

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 2, 2011**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Jones, to adopt the minutes of the meeting of Tuesday, July 26, 2011, as presented. Motion carried 5-0.

PROCLAMATIONS WERE PRESENTED FOR NATIONAL NIGHT OUT

COUNTY ADMINISTRATOR

1. There will be no meetings on August 9 and August 16, 2011.
2. **Department of Human Services** (*Cynthia Brown, Interim Director*)

(Larry Harvey, Director, Marcey House)

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FY2012 ADA A Substance Abuse Treatment Services grant budget award documents for the overall ADA A Substance Abuse Treatment Services grant project #'s MD1215, 1221, 1236, 1237, 1240, 1249, 1252, 1254, 1255, 1293, 1294, 1297, 1298, 1299, OT1253, US1253, 1255, 1257, and the related budget amendment to breakout the State and County Funding for Marcey House Standard Grant, project #MD1236. Motion carried 5-0.

3. Office of County Attorney (*George Sparling, County Attorney; Brandy Morris, Paralegal*)

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute an Easement Agreement between the Board of County Commissioners for St. Mary's County and SMECO for the purpose of running a new underground/overhead distribution line to the Home Grown Farmer's Market to accommodate the new business. Motion carried 5-0.

4. Department of Aging (*Lori-Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Maryland Senior Rides Program Grant Agreement, project #MD1205, from the State of Maryland Department of Transportation on behalf of the St. Mary's County Department of Aging in the amount of \$36,250 for transportation services for low-income to moderate-income seniors. Motion carried 5-0.

5. Department of Public Works and Transportation (*George Erichsen, Director*)

Commissioner Jones moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to sign Public Works Agreement Addendum guaranteeing construction of the roads in the Grandview Haven Subdivision, located in the 4TH Election District with an Expiration Date of August 1, 2013. Motion carried 5-0.

(MaryAnn Coontz, STS Transportation Manager)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the State of Maryland Department of Transportation FY2012 Operating Grant agreements from the Maryland Transit Administration on behalf of the Department of Public Works & Transportation, St. Mary's Transit System; and execute the budget amendment in the amount of \$18,730 increasing the budget for the Public-5311 grant in accordance with the award. Motion carried 5-0.

(James Miller, Engineer, Facilities Engineering & ADA Division; George Fabula; Glenn Saffran; and Patrick Fleming; Maryland Transit Administration)

Mr. Miller displayed a design plan for the Charlotte Hall Park and Ride explaining the location, the amenities that will be available at the site (bus shelters, bike lockers, lighting) and measures being taken to alleviate traffic flow coming south on Rt. 5 turning onto Golden Beach Rd, the expansion of Golden Beach Road to the entrance of the park and ride and the extension of Market Drive. This is the first of two 500 vehicle capacity Park and Rides planned for the northern County. The criteria used when monitoring traffic flow to determine the required vehicle capacity was explained. Until the two new park

and rides are constructed, the current rented space in Charlotte Hall will be utilized. Once constructed, the County will be responsible for snow removal, lighting and any other maintenance costs.

Commissioners Jarboe and Morris expressed concern with the traffic impact on Golden Beach Road. Commissioner Jarboe suggested a more regional site that was not only accessible to a highway but to the old railroad track might be feasible to meet future needs. Commissioners Jarboe asked what the anticipated maintenance fee for the County will be and was told \$25,000.

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to sign the Intergovernmental Agreement between the Board of County Commissioners for St. Mary's County, Maryland and Maryland Transit Administration for the purpose of constructing a Park & Ride Lot in the 5th Election District, Charlotte Hall, Maryland. Motion carried 3-2. Commissioners Jarboe and Morris voted nay.

6. Department of Human Resources (*Sue Sabo, Director*)

(Lori Jennings-Harris, Director, Dept. of Aging; Cynthia Brown, Interim Director, Dept. of Human Services)

Ms. Sabo provided the history of the Department of Human Services. Substantial grant cuts and a loss of a number of personnel in the Human Services Department presents the County the opportunity to combine two department's resources, thus saving the cost of another contracted department head and allowing more grant funding to be directed to services.

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize staff to implement the proposal to merge the Department of Human Services with the Department of Aging into the Department of Aging and Human Services as presented today by staff. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON HAYDEN PROPERTY WATER SERVICE CHANGE

Present: Jeffrey Jackman, Senior Planner, Dept. Land Use and Growth Management
Dave Chapman, Capital Facilities Planner, Dept. Land Use and Growth Management

A public hearing was held on June 28, 2011, with testimony provided by several individuals. No additional response was received during the 10-day open record period. Approval of the category change is consistent with the Comprehensive Land Use and Growth Plan and is needed for the Board of Education to proceed with plans to construct an elementary school on the property.

Commissioner Morgan expressed concern that Commissioners are voting to put water on the property, but it is still undecided exactly how waste water will be removed. Mr. Savich noted the town of Leonardtown is completing a study to expand their treatment facility in the future.

Commissioner Jarboe read a letter from a citizen questioning Section 21.3.2a. of the Comprehensive Zoning Ordinance concerning public hearing notice requirements and asked if all owners of adjacent property had been properly notified. Mr. Chapman reassured Commissioner Jarboe that notifications were mailed in accordance with current guidelines. Commissioner Russell said now might be the time to look at the way we notify citizen on these issues. Commissioner Jones stated she had conferred with two of her colleagues and was hoping to speak to the other two today to look at the possibly of writing a text amendment to allow us to be more comprehensive in how we do this notification process and have staff review the recommendations.

Commissioner Morgan moved, seconded by Commissioner Jones, in the matter of case CWSP 10-200-004, Water Service Category Change for “the Hayden property”, I move to approve and sign a resolution to amend Service Area Map III-32 of the St. Mary’s County Comprehensive Water and Sewerage Plan to change the water service category from W-6D to W-3D (service in 3-5 years, developer financed) for 92.3 acres described as Tax Map 32, Parcels 225 and 339 (Lot 1 and Outparcel A) in the 3rd Election District. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: PROPOSED ZONING MAP AMENDMENT RE WEBSTER FIELD AICUZ OVERLAY (AIR INSTALLATION COMPATIBILITY USE ZONE)

Present: Phil Shire, Acting Director, DLUGM
Jeff Jackman, Senior Planner, DLUGM

The Land Use and Growth Department is in the preliminary planning stages of preparing an Air Installation Compatibility Use Zone AICUZ overlay at Webster Field in St. Inigoes. The County’s 2010 Comprehensive Plan recommended that the County study alternatives and, as appropriate, initiate the creation of a zoning overlay. This would be similar to the Patuxent River overlay. One issue at Webster Field that was not encountered at Patuxent River is the zoning impact that could potentially affect approximately 43 property owners.

Commissioner Morgan moved to proceed with considering an amendment to the official zoning maps to create an Air Installation Capability Use Zone (AICUZ) overlay in the vicinity of “Outlying Landing Field” (OLF) Webster Field in the St. Inigoes area of the First Election District, and direct the Planning Commission to conduct a public hearing and prepare a recommendation on such proposed overlay zone. Commissioner Jones amended the motion (with concurrence from Commissioner Morgan), seconded by Commissioner Morris, to proceed with considering an amendment to the official zoning maps to create an Air Installation Capability Use Zone (AICUZ) overlay in the vicinity of “Outlying Landing Field” (OLF) Webster Field in the St. Inigoes area of the First Election District, and direct staff to create the overlay map as well as any text amendments necessary and return to this board with a presentation of such. Motion carried 5-0.

OFFICE OF THE COUNTY ATTORNEY: DESIGNATION OF A LOCAL FINANCIAL AUTHORITY AND A FORFEITING AUTHORITY RE ASSET FORFEITURES

Present: George Sparling, County Attorney

The States Attorney, who previously acted as the Forfeiting Authority for the County, has declined to sign an agreement to act as such this year. Negotiations are still underway with the Sheriff's Office. In the interim, the law provides that the County Attorney may act as Forfeitures Authority with the concurrence of the States Attorney. A letter from States Attorney Fritz dated June 28, 2011, provides that concurrence as read by statute. The proposed Resolution will designate the County Attorney as the Forfeiting Authority and the Chief Financial Officer as the local Financial Authority for the County. The reason for some urgency is the number of pending cases, one of which is next week.

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and adopt the proposed Resolution designating the Chief Financial Officer as the Local Financial Authority and the County Attorney as the Forfeiting Authority to effect the forfeiture of money, vehicles, real property and other tangible and intangible personal property seized by the St. Mary's County Sheriff's Department in connection with violations of the Controlled Dangerous Substance laws pursuant to Title 12 Of The *Criminal Procedure Article Of The Annotated Code Of Maryland*. Motion carried 4-1. Commissioner Morris voted nay.

PUBLIC HEARING: PROPOSED AMENDMENT OF RESOLUTIONS NO. W/S 92-01 AND W/S 93-02 RE ALLOCATION OF EDUs (EQUIVALENT DWELLING UNITS) (TALL TIMBERS)

Commissioner Russell opened the Public Hearing at 11:33 am.

Present: George Sparling, County Attorney
Phil Shire, Interim Director, Dept. of Land Use and Growth Management

Several old county stores existed in the county prior to zoning regulations. In 1990 a new Rural Commercial Limited (RCL) zoning regulation was adopted to allow these businesses to continue to operate with reasonable expansion rather than to render them non-conforming. The Chief's Store, formerly Schaefer's Store, falls within this zoning. The property then and now contains a post office and a store/bar which has expanded over the years. A discrepancy in the number of EDUs allocated some years ago to Schafer's Store was discovered when WJ Dents & Sons, LLC applied for a transfer of a liquor license from the estate of their father to their LLC. Currently the post office has one (1) EDU and the Store/Bar has one (1) EDU. In accordance with MetCom's "Table of Equivalent Dwelling Units," the property is now entitled to one EDU for the Post Office and four EDUs for the Store/Bar. The proposed amendment is required to restate the allocations.

Commissioner Russell opened the Public Hearing for public comment.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

David Dent, 45939 Rolling Rd., Lexington Park, MD 20653

- Father owned old Shafer's Store
- When father passed, family worked hard to develop the store
- It's a community gathering place
- More EDUs needed
- Employs 20 people in Store/Bar/Post Office
- Wants to transfer liquor license from Father's estate to WJ Dents & Sons, LLC

Jackie Meiser, MetCom

- Metcom not objecting to additional EDUs
- Explained Federal grants obtained to build sewerage treatment plant to serve the areas of Tall Timbers, St. George's Island, and Airedele Road that had septic systems that were failing. EPA through MDE required a resolution to document the number of EDUs each area was going to use - could not be used for new development
- MetCom surveyed area looking at number of houses and commercial areas
- EDUs granted at that time was one (1) to Post Office and one (1) for the under developed country store. It wasn't a restaurant, wasn't a bar, didn't have 20 seats, it was a little county store where people met, maybe had a drink that is why at that time only 1 EDU was afforded
- MetCom has capacity in system
- Should consider if 5 EDUs, are granted to this property the grinder pump in place was intended for 2 EDUs
- Once amendment is created others in area may want additional EDUs
- In the future, if additional EDUs are granted grinder pumps will need upgraded
- If you are going to put this into place, you want to assure upgrading grinders is required; want to make sure that it is monitored

Joe Stone, Kingston Court

- Grew up in Tall Timbers and is familiar with the store
- In 1990's store had Pool Tables and pool leagues; booths and seats around the bar
- Sons have brought the bar back – great meeting place for folks
- Support and ask that you grant request for EDU

Commissioner Russell closed the Public Hearing 11:58 am.

COMMISSIONER'S TIME

The Commissioners highlighted events attended over the past week.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Morris moved, seconded by Commissioner Morgan, to enter into Executive Session under the Personnel Authorization for the purpose of reviewing a Grievance Review Board Case and Candidates for Employment. Motion carried 4-1. Commissioner Jarboe voted nay.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
John Savich, County Administrator
Sue Sabo, Director, Human Resources
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 12:08 pm – 12:35 pm
Subject: Personnel (*Grievance Review Board case and candidates for employment*)

PUBLIC FORUM

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm.

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Sharon Ferris (Recorder)

Public Comments. (*Comments as noted below are intended as highlights of testimony given and are not verbatim.*)

James Mattingly, 24255 Riverwinds Dr., Leonardtown, MD 20650

- Spoke on behalf of St. Mary's County Non Public School Bus Contractors
- Requested stipend increase for Buses kept in service over 12 years - Costs more to maintain bus to meet requirements of state and federal law when they reach 12 yrs of age
- Requested Maintenance Rate Increase– only received one cent increase in last 4 years
- Feels their costs for maintenance should be funded same as public school buses
- Requested Drivers Salary Rate Increase – no increase in 4 years
- Drivers should match the Board of Education drivers that are employed by contractors

Jim Baycot, Hollywood, MD 20636

- Representing Building Trades Foundation of St. Mary's County
- Trades Foundation is Non-profit organization
- Students from Tech Center are building a house during 2011-2012 school year
- County waived building fees
- Asked Commissioners to make Legislative Proposal to waive the impact fees for property

Ann Gregory, 30055 Charlotte Hall Rd., Charlotte Hall, MD 20622

- Concerned with Seymour's Junk Yard in Charlotte Hall
- Industrial site in Charlotte Hall Town Center surrounded by residential property
- Extensive work being done on property without proper permits from the County or State – grading and filling in wet areas on 4+ acres, destruction of parking area for customers and employees, and fence is constantly in disrepair
- Buffer yard destroyed
- Concerned with runoff
- Crusher on site is sitting in dirt - in 1990's MDE instructed owner not to bring crusher back on site until he installed impervious surface
- Called Planning and Zoning several times and nothing happened
- Are there permits? Has the oil sediment pond been cleaned?

Chuck Bryson 39308 Persimmon Creek Rd., Mechanicsville, MD 20659

- Member of BOCA Code Appeals Board and Code Enforcement Board
- Board's responsibility is to review these codes every three years, propose local amendments to the codes, and make recommendations to the County Commissioners as to their adoption – I sat on the Board this year for 9 months
- Attended Code class recently for all contractors in the County –Mr. Berlage and MDIA representatives were going over code changes that were approved
- In the approval process we left out Chapter 11 which had to do with energy requirements, environmental issues, and other items that the Federal Government likes to force us into
- BOCA Code Appeals Boards disapproval this Chapter – Planning and Zoning told you we approved and we did not - you have it signed into ordinance
- We all know houses have to breathe and what they have done is seal houses so they cannot breathe
- Have no trouble following code, but a lot of houses are now being built on filled areas and when you seal a house up so tight it can't breathe, radon has a tendency to creep in and there is no stipulation in St. Mary's County to protect people from Radon Gas
- Asked Mr. Berlage why Chapter 11 was put in
- Citizens health and personal safety is a concern of everyone who sits on our board
- Called Planning & Zoning a week ago and they said the Commissioners signed the Ordinance
- Once again these Departments have misinformed you

Henry Camaioni, 40698 South 40 Dr., Leonardtown, MD 20650

- Couple months ago Planning and Zoning used a map to make a decision rather than rely on deed and restrictions - Plat doesn't have to be upgraded - Transfers of property not necessarily recorded
- Caused problems with property in Breton Bay
- Prefer that Appeals Board not approve just based on Plat – look at underlying use of property
- Uses around the area are not addressed -- just looked at Plat

Roma Mauro, 45849 Nancy Lane, Great Mills, MD 20634

- Nurse and Social Worker
- Speaking for David Triantos concerning Public Access
- Trying to get Metrocast to change time for Public Access
- Trying to hold on to Public TV
- Could develop more if Public Access would go to Channel 95
- Could present programs from a health perspective
- Asking you to save Public TV

Randi Jackson, 8505 Bowie Rd, Nanjemoy, MD 20662

- Heard Chaptico Park was going to be open for Equestrian use
- Support that initiative
- Support paying a maintenance fee to keep up park for Equestrian use

Jan Atkins, 25699 Vista Road, Hollywood, MD 20636

- Board member of Southern Maryland Trail Riders (smtr.us)
- Heard there was going to be discussion on park tonight
- Heard park was about 250 acres
- Excited about the park - Southern Maryland Trail Riders has 80 families in organization that would like to help make trails
- Could be available for walking, biking and equestrian use
- Would like to see park become equestrian friendly

ADJOURNMENT

Commissioner Russell closed the Public Forum and adjourned the Board of County Commissioners meeting at approximately 7:20 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)